FILED
OCT 17 1901
JAMES H. McKENNEY

SUPREME COURT
OF THE
UNITED STATES.

OCTOBER TERM, A. D. 1901.

NO. 81.

THE MIDWAY COMPANY, (Substituted for the GERMANIA IRON COMPANY,)
Plaintiff in Error,

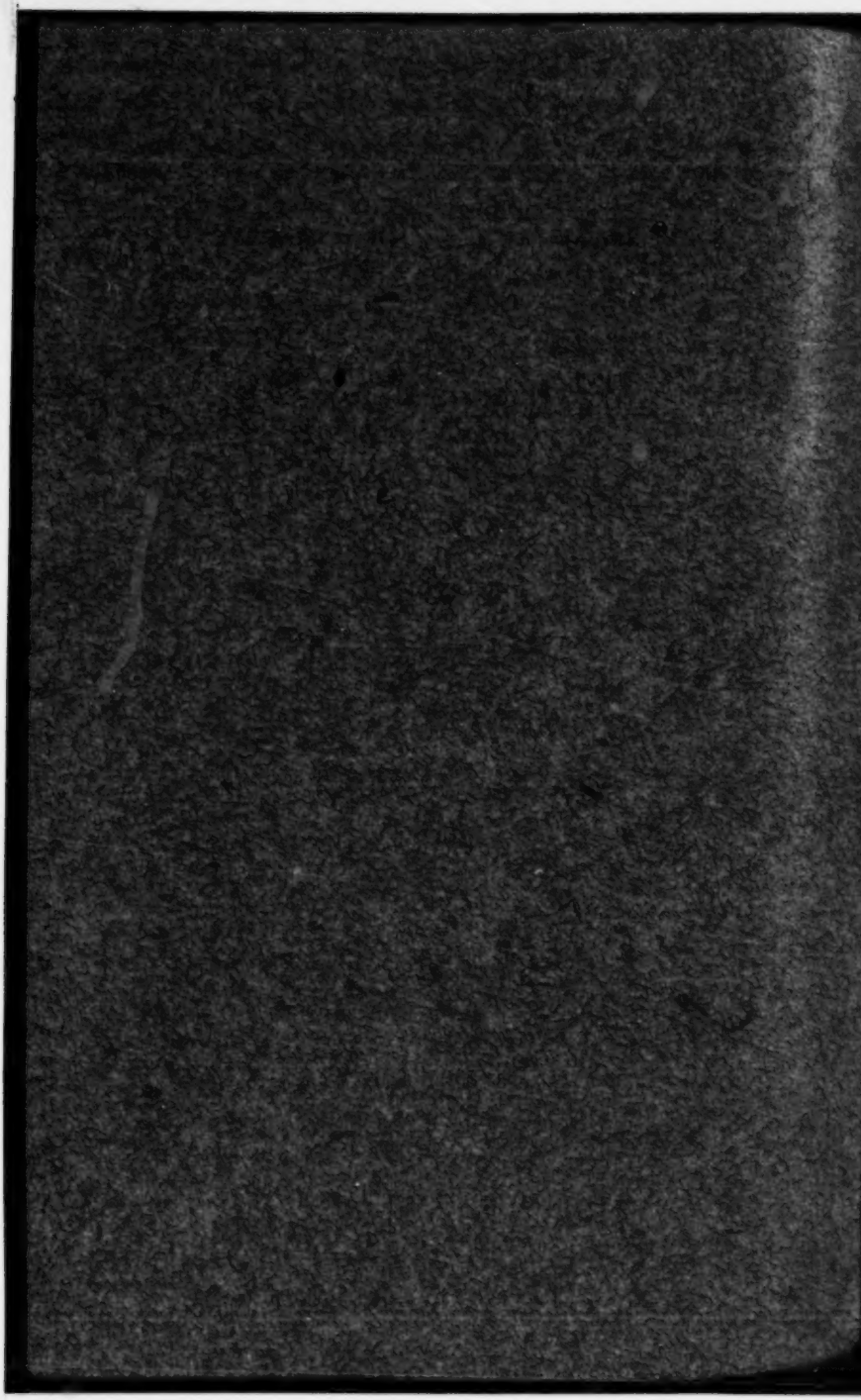
vs.

FRANK W. EATON, LEONIDAS MERRITT, MERRILL M. CLARK, RICHARD H. EAGAN and MARGARETHA LONSTORF,
Defendants in Error.

BRIEF FOR DEFENDANTS IN ERROR FRANK W. EATON and MARGARETHA LONSTORF.

L. C. HARRIS,
C. A. TOWNE,
Counsel for Defendants in Error,
Frank W. Eaton and Margaretha Lonstorf.

C. H. THOMPSON & CO. PRINTERS, DULUTH



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Defendants in Error.

BRIEF FOR DEFENDANTS IN ERROR FRANK W. EATON and MARGARETHA LONSTORF.

ARGUMENT.

This case is between the same parties and comes up on the same record as Case No. 80, which

is on the Calendar for this term of court; and as the two will undoubtedly be argued together we submit this case on the brief filed in Case No. 80.

Respectfully submitted,

L. C. HARRIS,

C. A. TOWNE,

Counsel for Defendants in Error,

Frank W. Eaton and Margaretha Lonstorf.

No. 81.

Office - Supreme Court U.S.
OCT 17 1901
JAMES H. MCKENNEY
Clerk

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Defendants in Error.

BRIEF FOR DEFENDANTS IN ERROR, MERRILL M. CLARK, RICHARD H. FAGAN and LEONIDAS MERRITT.

JOHN L. WALLBRIDGE,
Attorney for Defendants in Error,
Merrill M. Clark, Richard
Fagan and Leonidas Merritt.

WILLIAM D. SHIELDS,
Of Counsel.

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FRANK W. EATON, LEONIDAS MERRITT, MERRILL M. CLARK, RICHARD H. FAGAN AND MARGARETHA LONSTORF.
Defendants in Error.

BRIEF FOR DEFENDANTS IN ERROR—MERRILL M. CLARK, RICHARD H. FAGAN and LEONIDAS MERRITT.

ARGUMENT.

This case is identical with case No. 80, and was tried therewith in the District Court of St. Louis County, Minnesota, and argued therewith in the

Supreme Court of Minnesota. It was first brought by Germania Iron Company, but the Midway Company was thereafter substituted in its place and the case proceeded to trial with the last mentioned company as plaintiff.

The land involved is the S. E. ¼ of N. W. ¼ of Section 30, Township 63, Range 11. This was one of the parcels covered by the location of the Sioux half-breed scrip of Orillie Stram No. 19 D for 160 acres, and, after the cancellation of the scrip location, Emil Hartman, in the interest as we understand it, of the plaintiff, was allowed to locate Valentine scrip thereon, and the land being patented to him, was conveyed to the Germania Iron Company and then to the plaintiff.

The statement of facts which we have made in the other case covers this one and the brief in all respects applies to this case the same as the other and hence we adopt our brief in that case as the brief in this one, refer to it as such and submit this cause with the other in obedience to the same practice heretofore pursued.

Duluth, September, 1901.

Respectfully,

JED L. WASHBURN, AND

WILLIAM D. BAILEY,

Attorneys for Defendants in Error,

Merrill M. Clark, Richard H. Fagan, Leonidas Merritt.